

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA**

U.S. Post Office and Courthouse  
Office of the Clerk  
101 Holmes Avenue, N.E.  
Huntsville, Alabama 35801

**GREER M. LYNCH**  
Clerk of Court

Telephone (256) 534-6495

February 27, 2024

U.S. District Court Clerk  
Southern District of Texas  
Martin Luther King U.S. Post Office  
and Courthouse  
312 South Main Street, Room 406  
Victoria, TX 77901-7901

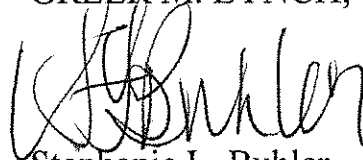
**RE: *United States of America v. David Mata***  
ALND Case No. 5:24-mj-1028-HNJ  
SDTX Case No. 2:23CR00102-001

Dear Clerk:

Please see the attached copies of Rule 5 documents for proceedings held in the Northern District of Alabama with regard to the above-referenced matter. Please contact me at (256)551-2530 should you need anything further.

GREER M. LYNCH, CLERK

By:



Stephanie L. Buhler  
Deputy Clerk

CLOSED

**U.S. District Court  
Northern District of Alabama (Northeastern)  
CRIMINAL DOCKET FOR CASE #: 5:24-mj-01028-HNJ All Defendants  
Internal Use Only**

Case title: USA v. Mata

Date Filed: 02/26/2024

Other court case number: 2:23CR00102-001 Southern District  
of Texas

Date Terminated: 02/27/2024

Assigned to: Magistrate Judge  
Herman N Johnson, Jr

**Defendant (1)**

**David Mata**

*TERMINATED: 02/27/2024*

represented by **Alexandria Darby**  
OFFICE OF THE FEDERAL PUBLIC  
DEFENDER  
NORTHERN DISTRICT OF ALABAMA  
200 Clinton Avenue West, Suite 503  
Huntsville, AL 35801  
256-684-8700  
Fax: 256-519-5948  
Email: [Alex\\_Darby@fd.org](mailto:Alex_Darby@fd.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community  
Defender Appointment*

**Kevin L Butler**  
FEDERAL PUBLIC DEFENDER  
Northern District of Alabama  
505 20th Street North, Suite 1425  
Birmingham, AL 35203  
205-208-7170  
Email: [ALNFD\\_Notice@fd.org](mailto:ALNFD_Notice@fd.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community  
Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level  
(Terminated)**

None

**Complaints**

18:3147.F

**Disposition**



TRUE COPY:

By: *W. L. Butler*

**Plaintiff**

USA

represented by **Prim F. Escalona, US Attorney**  
US ATTORNEY'S OFFICE  
1801 4th Avenue North  
Birmingham, AL 35203-2101  
244-2001  
Email: [Caseview.ecf@usdoj.gov](mailto:Caseview.ecf@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**US Probation**  
UNITED STATES PROBATION OFFICE  
Robert Vance Bldg.  
1800 5th Avenue North  
Birmingham, AL 35203  
205-716-2900  
Email: [alnpdb\\_cmechf@alnp.uscourts.gov](mailto:alnpdb_cmechf@alnp.uscourts.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**USM**  
UNITED STATES MARSHAL  
Hugo Black Courthouse, Room 240  
1729 5th Avenue North  
Birmingham, AL 35203  
205-731-1712  
Email: [usms-aln-courts@usdoj.gov](mailto:usms-aln-courts@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Russell E Penfield**  
US ATTORNEY'S OFFICE  
400 Meridian Street, Suite 304  
Huntsville, AL 35801  
256-534-8285  
Fax: 256-539-3270  
Email: [russell.penfield@usdoj.gov](mailto:russell.penfield@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
02/26/2024		Arrest (Rule 5) of David Mata (SHB, ) Modified on 2/27/2024 (SHB, ). (Entered: 02/27/2024)
02/26/2024	<u>1</u>	Warrant and Petition from SDTX as to David Mata (SHB, ) (Entered: 02/27/2024)
02/26/2024		Minute Entry for proceedings held before Magistrate Judge Herman N Johnson, Jr: Initial Appearance in Rule 5(c)(3) Proceedings as to David Mata held on 2/26/2024; dft deemed eligible for court appointed counsel; Alex Darby appt and present for dft on behalf of FPD; Russell Penfield present for govt; USPO Worboys present; dft wvd identity hrg; charges and rights explained; dft requested preliminary and detention hrgs in charging district; dft ordered remanded to custody of USM for removal to SDTX; hrg adj. (Court Reporter None) (SHB, ) (Entered: 02/27/2024)
02/27/2024	<u>3</u>	COMMITMENT TO ANOTHER DISTRICT as to David Mata. Defendant committed to Southern District of Texas. Signed by Magistrate Judge Herman N Johnson, Jr on 2/27/24. (SHB, ) (Entered: 02/27/2024)

02/27/2024	<u>4</u>	ORDER OF REMOVAL to Another District – Southern District of Texas as to David Mata. Signed by Magistrate Judge Herman N Johnson, Jr on 2/27/24. (SHB, ) (Entered: 02/27/2024)
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2024 Feb-27 PM 06:4  
U.S. DISTRICT COUR  
N.D. OF ALABAM

AO 442 (Rev. 11/11) Arrest Warrant

U.S. DISTRICT COURT  
RECEIVED

## UNITED STATES DISTRICT COURT

2023 NOV -9 AM 11:35

for the

Southern District of Texas

CORPUS CHRISTI, TEXAS  
SOUTHERN DISTRICT

United States of America

v.

David Mata

Case No. 2:23CR00102-001

Defendant

## ARREST WARRANT

To: Any authorized law enforcement officer

**YOU ARE COMMANDED** to arrest and bring before a United States magistrate judge without unnecessary delay(name of person to be arrested) David Mata

who is accused of an offense or violation based on the following document filed with the court:

- ☐ Indictment    ☐ Superseding Indictment    ☐ Information    ☐ Superseding Information    ☐ Complaint  
☐ Probation Violation Petition    ☒ Supervised Release Violation Petition    ☐ Violation Notice    ☐ Order of the Court

This offense is briefly described as follows:

See attached petition.

Date: 11/09/2023

Issuing officer's signature

City and state: Corpus Christi, TX

Angel Mireles, Deputy Clerk

Printed name and title

## Return

This warrant was received on (date) \_\_\_\_\_, and the person was arrested on (date) \_\_\_\_\_  
at (city and state) \_\_\_\_\_

Date: \_\_\_\_\_

Arresting officer's signature

Printed name and title

PROB 12C  
(06/15)

U.S. DISTRICT COURT  
RECEIVED

**UNITED STATES DISTRICT COURT**

2023 NOV -9 AM 11:35

for the

**SOUTHERN DISTRICT OF TEXAS**

CORPUS CHRISTI, TEXAS  
SOUTHERN DISTRICT

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: David Mata

Case Number: 2:23CR00102-001

Name of Sentencing Judge: The Honorable Nelva Gonzales Ramos

Date of Original Sentence: July 18, 2023

Original Offense: Transportation of an Undocumented Alien

Original Sentence: Time Served, followed by a 2-year term of supervised release.

Type of Supervision: Supervised Release

Supervision Started: October 4, 2023

Assistant U.S. Attorney: John George Edward  
Marck

Defense Attorney: Kristen D. Langford-  
Harris

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**EARLIER COURT ACTION**

None.

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**PETITIONING THE COURT**

To issue a warrant and set a Revocation Hearing to show cause why Supervised Release should not be revoked.

The probation officer believes that the offender has violated the following conditions of supervision:

**Violation Number   Nature of Noncompliance**

**1                      Failure to Report Change in Residence**

On or about October 29, 2023, David Mata left his last known place of residence located at Downtown Rescue Mission, 1400 Evangel Drive, Huntsville Alabama, and failed to notify U.S. Probation Officer Matthew Worboys within 72 hours of his change in residence.

**Details:** On October 4, 2023, David Mata was released on bond with the Madison County Circuit Court and instructed to remain in Madison County pending the disposition of his state charge. Mr. Mata was instructed to live with his mother at her known residence in Huntsville, Alabama for the duration of his case. On October 9, 2023, David Mata reported that he had moved to the

Mata, David  
Dkt. No. 2:23CR00102-001  
Page 2

Downtown Rescue Mission Shelter located at 1400 Evangel Drive, Huntsville, Alabama, due to a tumultuous relationship with his mother. On October 13, 2013, Mr. Mata reported to the U.S. Probation Office where his conditions of supervision were reviewed and acknowledged. He reported on this same date that he was still residing at the Downtown Rescue Mission. On November 3, 2023, U.S. Probation Officer Matthew Worboys in the Northern District of Alabama attempted to conduct a home visit at the offender's residence located at Downtown Rescue Mission, 1400 Evangel Drive, Huntsville Alabama. During this attempted visit, it was discovered that Mr. Mata last stayed at this shelter on October 26, 2023, as verified by the facility security director. The facility had no information as to another address for him. Attempts to locate Mr. Mata in the community have been unsuccessful and his whereabouts are currently unknown.

**2 Failure to Abide by Drug Treatment Program's Rules and Regulations**

**Details:** On October 13, 2023, David Mata reported to the U.S. Probation Office in Huntsville, Alabama where he was instructed to participate for drug testing as required through random color-code in the Northern District of Alabama. David Mata violated the rules and regulations of the color-code drug testing by failing to submit random urine specimens on October 18, 2023, and October 30, 2023.

**U.S. Probation Officer Recommendation:**

- ☒ The term of supervision should be
- ☒ revoked.
- ☐ extended for \_\_\_\_ years, for a total of \_\_\_\_ years.
- ☐ To modify the conditions of supervision as follows:

I declare under penalty of perjury, that the foregoing is true and correct to the best of my knowledge.

Approved:

Respectfully submitted,



Arnoldo Perez, Supervising  
United States Probation Officer

By:



Amelia Vega  
United States Probation Officer  
November 9, 2023

Mata, David

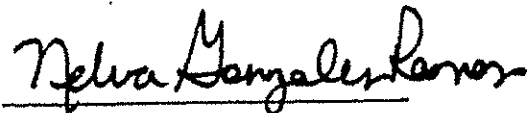
Docket Number: 2:23CR00102-001

Page 3

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THE COURT ORDERS:

- ☐ No Action
- ☒ The Issuance of a Warrant, and no bond.
- ☐ The Issuance of a Warrant, and a bond of \$ \_\_\_\_\_ cash / surety with supervision as directed by the Probation Officer as a condition of said bond.
- ☐ The Issuance of a Summons.
- ☐ Other:



Nelva Gonzales Ramos  
U. S. District Judge

November 9, 2023

\_\_\_\_\_  
Date

## UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

United States of America

v.

David Mata

Defendant

Case No. 5:24-mj-1028-HNJ

Charging District's

Case No. 2:23CR00102-001

## COMMITMENT TO ANOTHER DISTRICT

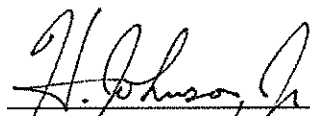
The defendant has been ordered to appear in the Southern District of Texas, (if applicable) division. The defendant may need an interpreter for this language:

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

**DONE**, this 27th day of February, 2024.



HERMAN N. JOHNSON, JR.  
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA	}	
	}	
v.	}	ALND Case No. 5:24-mj-1028-HNJ
	}	SDTX Case No. 2:23cr00102-001
DAVID MATA	}	

**ORDER OF REMOVAL**

On February 26, 2024, an initial appearance was held before the undersigned magistrate judge for Defendant David Mata. Defendant was arrested in the Northern District of Alabama on an arrest warrant pursuant to a violation of supervised release issued in the United States District Court for the Southern District of Texas.

Pursuant to the provisions of Rule 5(c)(3) Fed.R.Crim.P., the defendant was presented to the United States Magistrate Judge and advised of his constitutional rights. Ms. Alex Darby of the Federal Public Defender's Office was appointed as counsel for the defendant. The defendant waived his right to an identity hearing and requested any further hearing(s) be held in the charging district.

It is therefore ORDERED that the defendant be held to answer the charges pending in the United States District Court for the Southern District of Texas, and that he be REMOVED FORTHWITH to that district.

**DONE**, this 27th day of February, 2024.

  
 HERMAN N. JOHNSON, JR.  
 UNITED STATES MAGISTRATE JUDGE